

June 22, 1998

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: Department of Development and Environmental Services File No. **L98P0017**
Proposed Ordinance No. **1999-0283**

WIT'S END
Preliminary Plat Application

Location: Between Southeast 16th Place and Southeast 17th Place, west of 227th Avenue Southeast

Property Owner: Anthony W. Kiriluk
5602 Green Hills Northeast
Tacoma, WA 98422-1515

Applicant(s): Wit's End, Inc.
Attn: Jolie Imperatori
3122 239th Place Southeast
Issaquah, WA 98027

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	May 7, 1998
Complete application:	June 5, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	June 8, 1999, 10:30 AM
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Hearing Closed:

June 8, 1999, 11:16 AM

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES/TOPICS ADDRESSED:

- Access
- Surface water detention

SUMMARY:

25-lot subdivision on 5.3 acres approved.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner:	Anthony W. Kiriluk 5602 Green Hills Northeast Tacoma, WA 98422-1515
Attorney:	Joel Haggard, Esq. 1200 5th Avenue #1200 Seattle, WA 98101
Engineer:	Concept Engineering, Inc. 455 Rainier Boulevard North Issaquah, WA 98027
Location:	Between Southeast 16th Place and Southeast 17th Place, west of 227th Avenue Southeast
STR:	4-24-6
Zoning:	R-6
Acreage:	5.3
Number of Lots:	25
Density:	4.71 units/acre
Typical Lot Size:	Approximately 5,000 square feet
Proposed Use:	Detached single family residences
Sewage Disposal:	Sammamish Plateau Water and Sewer District
Water Supply:	Sammamish Plateau Water and Sewer District
Fire District:	King County No. 10
School District:	Issaquah
Complete	

- Application Date: June 5, 1998
2. Except as modified below, the facts set forth in the King County Land Use Services Division's preliminary report to the King County Hearing Examiner for the June 8, 1999, public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the hearing record.
 3. Access to the subject property has been constructed through the plat of the Glen at Redford Ranch via Southeast 17th Place. This urban subaccess street will be extended to serve the subject property, ending in a cul de sac designated Southeast 16th Place. This access is consistent with the recorded final plat of the Glen at Redford Ranch and with the King County Road Standards.
 4. The Applicant has acquired easements from property owners to the south to enable construction of the stormwater pipe crossing of Tax Lots 260 and 251, in order to discharge surface water into a wetland to the west.

The Applicant intends to design and construct surface water drainage facilities in accordance with the September 1998 Surface Water Design Manual. Authorization to do so is subject to review by the King County Department of Development and Environmental Services ("DDES") and the payment of a conversion fee.

5. The school bus stop for the pick up and discharge of students who will be bused to their respective schools will be located at Southeast 17th Place and 227th Avenue Southeast.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, East Sammamish Community Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed subdivision of Wit's End, as revised and received May 17, 1999, is granted preliminary approval, subject to the following conditions of final plat approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density of the R-6 zone classification. All lots shall meet the minimum dimensional requirements of the R-6 zone classification or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat that do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services
4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and current storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995, or (subject to an application for conversion and its approval by DDES) to the adopted 1998 Surface Water Design Manual ("SWDM"). The following specific requirements (paragraphs "b" through "f") may be modified to be consistent with the 1998 SWDM if conversion to the 1998 requirements is approved by DDES. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application for any building permit. All connections of the drains must be constructed and approved prior to

the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."

d. Core Requirement No. 2: Off-site Analysis.

The Applicant's downstream analysis identified a culvert located under 223rd Avenue Southeast that does not have capacity to pass the 100-year developed flows due to sediment deposition. The Applicant shall obtain permission from the affected property owner and clean out this culvert to restore its full capacity.

e. Core Requirement No. 3: Runoff Control.

Stormwater runoff control shall be provided using design standards as specified in the East Lake Sammamish Basin Plan, which requires R/D facilities to be designed to Detention Standard 1, controlling the 2-year and 10-year post-developed flows using a seven-day rainfall distribution.

The project drainage plans shall be designed to comply with the water quality provisions outlined in Ordinance 12992 and Special Requirement No. 15-1 in the drainage manual. The following requirements summarize the design standards:

Runoff from impervious surfaces in the Lake Sammamish drainage basin must be treated to remove 50 percent of the total phosphorus concentration before discharge into tributaries, either natural or engineered, of Lake Sammamish. At a minimum this goal may be met by treating the water quality flow (defined below) using any of the three on-site treatment options below, or another option approved by DDES and demonstrated to provide an equivalent level of pollutant removal on an annual average basis. Designs for the facilities shall be consistent with the standards in the proposed February 1996 update to the King County Surface Water Design Manual.

Option 1: A large wetpond having a dead storage volume equal to or greater than 4.5 times the runoff from the mean annual storm.

Option 2: A large sand filter treating 95% of the annual average runoff volume in the KCRTS time series. If a detention facility does not precede the sand filter, a presettling pond or vault must precede the sand filter, with the presettling pond sized to hold a volume of 0.75 times the runoff from the mean annual storm.

Option 3: A two-facility treatment train, with the first facility sized to treat the water quality flow defined below, and the second facility a sand filter sized to treat the flow from the first facility.

The water quality design flow can be found using one of the following:

- Flow generated by 64% of the 2-year, 24-hour precipitation (SBUH model), or
- Flow generated by 60% of the developed 2-year peak flow rate (KCRTS modeled with 15-minute timesteps), or for ponds,

- 95 percent of the annual average runoff volume in the KCRTS time series.

The runoff control facilities shall be located in a separate tract and dedicated to King County unless portions of the drainage tract are used for required recreation space in accordance with KCC 21A.14.180.

As specified in section 4.5 of the SWM Manual, roof drain stormwater shall be infiltrated or dispersed within the lot area if the soil conditions are favorable.

f. Core Requirement No. 4: Conveyance Systems.

An outlet pipe from the detention/water quality facility is proposed to convey stormwater over steep slopes and discharge to an offsite Class III stream. The applicant must ensure that drainage from the outfall pipe flows northerly to enter this stream.

The proposed offsite conveyance pipe shall be designed and located to minimize disturbance to natural vegetation and reduce potential erosion. Requirements for drainage outfall and conveyance on steep slopes, as specified in Section 4.3.6 of the SWM Manual, shall be used for drainage plan design and construction. Detention vault overflow systems shall be designed for piped conveyance, rather than open spillways. The overflow structures and conveyance pipe shall be designed to accommodate flows for the 100-year storm under undetained, developed site conditions. A drainage easement for the off-site pipe system shall be recorded prior to final plat approval.

8 The proposed subdivision shall comply with the 1993 King County Road Standards (KCRS) including the following requirements:

- a. During preliminary review, the applicant submitted a road variance application regarding cul-de-sac length (File No. L98V0108). The variance was approved on November 13, 1998. (See Attachment 3.)
- b. SE 16th Place shall be improved as an urban subaccess street to include curb and gutter on both sides, and a sidewalk on one side of the street.
- c. Tract C shall be improved as a private joint use driveway to serve a maximum of two lots. The serving lots shall have undivided ownership of the tract and be responsible for its maintenance. As specified in KCRS 3.01C, improvements shall include an 18-foot paved surface and a minimum tract width of 20 feet. Drainage control shall include a curb or thickened edge on one side.
- d. As required by KCRS 5.03, street trees should be included in the design of all road improvements.
- e. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in KCRS 1.08.

9. Preliminary plat review has identified the following specific sensitive area requirements which apply to this project. All other applicable requirements from KCC 21A.24 shall also be

addressed by the applicant:

Stormwater from the Wit's End site is proposed to be piped to the south and west, and discharged into an offsite Class III stream which is connected to a Class II forested wetland. Pursuant to KCC 21A.24, a 50-foot buffer is required for the Class II forested wetland, and a 25-foot buffer is required for the Class III stream; however, these buffer areas have already been largely cleared for a parking pad and paved driveway serving the existing Perea property to the south (Tax Lot 8505080576). If any undisturbed native vegetation must be removed for installation of the stormwater pipe and outfall, a restoration plan will be required along with the engineering plans for the plat. Bonding and monitoring may also be required.

Several areas of slopes greater than 40% have been identified in the western portion of the property. These areas shall be placed into a sensitive areas tract (Tract D). All other applicable requirements of KCC 21A.24.310 shall also apply.

10. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site containing the sensitive areas and shall remain in place until all construction activities are completed.
11. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

12. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
13. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid;" if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
14. Suitable recreation space shall be provided consistent with the conceptual and detailed recreation space plans required below and with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
15. A homeowner's association or other workable organization shall be established to the satisfaction of DDES to provide ownership and continued maintenance of the recreation tract and facilities, associated landscaping, and sensitive areas tract.
16. The following conditions shall apply to implement the P-suffix conditions to this property:

KCC 16.82.150D (Seasonal Clearing Restrictions): From October 1 through March 31, clearing and grading shall only be permitted if silt-laden runoff exceeding standards in the King County Surface Water Design Manual will be prevented from leaving the construction site. An erosion and sedimentation control plan is required. Certain activities, such as maintenance of public facilities, landscaping of single family residences, etc., may be exempt from this restriction.
17. Lots within the Wit's End subdivision are subject to King County Ordinance 10162 and Ordinance 12532, which imposed impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat received final approval. The balance of the assessed fee shall

be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.

18. The name of the subject plat may be changed, at the option of the Applicant, to "Skyline" or other name selected by the Applicant, subject to review and approval by DDES of the availability of such name.

ORDERED this 22nd day of June, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 22nd day of June, 1999, to the following parties and interested persons:

Brian Cahill
Vali Eberhardt
Mark Hinthorne
David Irons
Anthony Kiriluk
Linda Matlock
Eleanor Moon
Seattle-King County Health Dept
Lee-Sheng Wu

Roger Dorstad
Joel Haggard
Jolie B. Imperatori
Bruce Johnson
Teresa LeMay
Jeanette McKague
Seyed Safavian
Carolyn Tomich

Keri Akers
Greg Borba
Laura Casey
Pete Dye
Kristen Langley
Steven C. Townsend

Mark Bergam
Steve Bottheim
Kim Claussen
Dick Etherington
Aileen McManus

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before July 6, 1999**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before July 13, 1999**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if

actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

The following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 Department of Development and Environmental Services File No. L98P0017
- Exhibit No. 2 Department of Development and Environmental Services preliminary report dated May 25, 1999
- Exhibit No. 3 Application dated May 7, 1998
- Exhibit No. 4 Environmental checklist dated May 7, 1998
- Exhibit No. 5 Declaration of Nonsignificance dated April 21, 1999
- Exhibit No. 6 Affidavit of Posting indicating April 21, 1999, as date of posting and April 22, 1999, as the date the affidavit was received by the Department of Development and Environmental Services
- Exhibit No. 7 Plat map dated May 17, 1999
- Exhibit No. 8 Land use map Kroll page 575E
- Exhibit No. 9 Assessors maps NW 2-24-06
- Exhibit No. 10 P-suffix conditions KCC 16.82.150D; SR-15-1; SR-15-2
- Exhibit No. 11 Level 1 Off-site Drainage Analysis, received November 6, 1998
- Exhibit No. 12 Conceptual Grading and Drainage Plan, received May 17, 1999
- Exhibit No. 13 Geotechnical Study prepared by Associated Earth Sciences, received November 6, 1998
- Exhibit No. 14 Wildlife Surveys prepared by Habitat Technologies, received May 7, 1998, and November 6, 1998
- Exhibit No. 15 Recorded plat of Glen at Redford Ranch (vol. 28/page 189)
- Exhibit No. 16 Easement agreement executed June 4, 1999, between Thomas Perea and Deann Perea and RMJ Development, Inc.
- Exhibit No. 17 Letter dated June 4, 1999, from Jolie Imperatori to Mr. and Mrs. Timothy P. Burke with enclosed reciprocal easement agreement
- Exhibit No. 18 Revision to page 2, paragraph E, and page 4, paragraph d of staff report proposed by Applicant
- Exhibit No. 19 Revision to page 6, paragraph O proposed by Applicant
- Exhibit No. 20 Revision to page 9, paragraph 14.b proposed by Applicant.